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UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 IN THE MATTER OF THE SEARCH OF  
13 AN APPLE IPHONE 8 PLUS, SERIAL  
14 NUMBER 354830096627890

No. 2:18-MJ-03358

GOVERNMENT'S *EX PARTE* APPLICATION  
FOR FIRST EXTENSION OF TIME WITHIN  
WHICH TO RETAIN AND SEARCH DIGITAL  
15 DEVICE; DECLARATION OF BENEDETTO  
16 L. BALDING

17  
18 The United States of America, by and through its counsel of  
19 record, Assistant United States Attorney Benedetto L. Balding, hereby  
20 applies for an order extending by 120 days the time within which the  
21 government may retain and search a digital device seized pursuant to  
22 a federal search warrant.

23 This application is based on the attached declaration of  
24 Benedetto L. Balding and the files and records of this case,

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1 including the underlying search warrant and affidavit in support  
2 thereof.

3 Dated: April 18, 2019

Respectfully submitted,

4 NICOLA T. HANNA  
United States Attorney

5 LAWRENCE S. MIDDLETON  
6 Assistant United States Attorney  
7 Chief, Criminal Division

8 /s/

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Benedetto L. Balding  
Assistant United States Attorney

10 Attorneys for Applicant  
11 UNITED STATES OF AMERICA  
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**DECLARATION OF BENEDETTO L. BALDING**

I, Benedetto L. Balding, hereby declare and state:

1. I am an Assistant United States Attorney assigned to this investigation for United States Attorney's Office for the Central District of California.

2. This declaration is made in support of a request for an order permitting the government to retain and search, pursuant to the terms of the original warrant in this matter, for an additional 120 days, the following digital device seized pursuant to the warrant described below (the "SUBJECT DIGITAL DEVICE"): an Apple iPhone 8 Plus, serial number 354830096627890, seized on December 11, 2018.

3. On December 20, 2018, Special Agent Christopher Teschke of the United States Secret Service submitted an affidavit in support of an application for a federal search warrant of the SUBJECT DIGITAL DEVICE. A warrant was issued by the Honorable Maria A. Audero, United States Magistrate Judge, authorizing the search of the SUBJECT DIGITAL DEVICE. The warrant, which is incorporated herein by reference, authorized the search of the SUBJECT DIGITAL DEVICE for a period of 120 days to allow the government to search the device for evidence of violations of 18 U.S.C § 472: Uttering Counterfeit Obligations and Securities of the United States, and 18 U.S.C. § 473: Dealing in Counterfeit Obligations and Securities of the United States.

4. On January 3, 2019, United States Secret Service ("USSS") Special Agents began to forensically analyze the SUBJECT DIGITAL DEVICE for evidence relating to the above-mentioned violations.

1           5.     This is the first request for an extension.   The current  
2 deadline by which the government must complete its review of the  
3 SUBJECT DIGITAL DEVICE is April 19, 2019.

4           6.     Based on information provided to me by Special Agent  
5 Christopher Teschke, I understand that Apple iPhones are produced  
6 with advance encryption features that make it difficult for Digital  
7 Forensic Agents to extract the data from these types of devices.   Due  
8 to the advance encryption features on the SUBJECT DIGITAL DEVICE,  
9 USSS Digital Forensic Agents spent several weeks attempting to unlock  
10 or obtain the Personal Identification Number ("PIN") of the SUBJECT  
11 DIGITAL DEVICE.   On or about April 2, 2019 the SUBJECT DIGITAL  
12 DEVICE's encryption was solved and the SUBJECT DIGITAL DEVICE was  
13 unlocked.

14           7.     For the following reasons, the government is requesting an  
15 additional 120 days to complete its review of the SUBJECT DIGITAL  
16 DEVICE:

17               a.    The forensic review of digital devices is time  
18 consuming.   Agents cannot simply turn on computers and review their  
19 contents because merely turning on a computer and reviewing its  
20 contents changes the data on the computer.   Specialized computer  
21 software is therefore needed to ensure that evidence remains in a  
22 pristine and usable condition, and is not affected by the review  
23 process.   The review also must be conducted by agents who have  
24 received specialized training to ensure that the review is done  
25 thoroughly and in a forensically sound fashion.   This process takes  
26 substantial time.

27               b.    The SUBJECT DIGITAL DEVICE contains approximately 64  
28 gigabytes of information.   Based on my training and experience, I

1 know that one gigabyte could hold the contents of about ten yards of  
2 books on a shelf. One hundred gigabytes could hold an entire library  
3 floor of academic journals.

4 c. The SUBJECT DIGITAL DEVICE was unlocked on or about  
5 April 2, 2019. This has left USSS Digital Forensic Agents a short  
6 period of time to analyze the SUBJECT DIGITAL DEVICE before the  
7 warrant expiration date of April 19, 2019.

8 I declare under penalty of perjury under the laws of the United  
9 States of America that the foregoing is true and correct.

10 DATED: April 18, 2019

11 /s/

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BENEDETTO L. BALDING